

MONTANA LEGISLATIVE HISTORY

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Chapter 10 1991

Bill H 18 S _____ Original bill & history C

H. Committee on <u>Labor & Employment Relations</u>	S. Committee on <u>Labor & Employment Relations</u>
Hearing Date(s) <u>Jan 08</u> ☒ C	Hearing Date(s) <u>Jan 22</u> ☒ C
_____ C	_____ C
_____ C	_____ C
_____ C	_____ C
Date Out <u>Jan 09</u> ☒ C	<u>Jan 22</u> ☒ C

Did this bill originate in an interim committee? Yes No

Committee _____

Report _____

HOUSE FINAL STATUS

HB 18

2/15	HEARING		
2/15	COMMITTEE REPORT—BILL CONCURRED		
2/16	2ND READING CONCURRED	31	17
2/18	3RD READING CONCURRED	32	18
RETURNED TO HOUSE			
2/21	SIGNED BY SPEAKER		
2/21	SIGNED BY PRESIDENT		
2/21	TRANSMITTED TO GOVERNOR		
2/26	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 53		
		EFFECTIVE DATE: 10/01/91	

HB 17 INTRODUCED BY REAM

ALLOW REGULATION OF ARCHERY EQUIPMENT
BY FISH AND GAME COMMISSION

12/27	INTRODUCED		
12/27	REFERRED TO FISH & GAME		
1/07	FIRST READING		
1/08	HEARING		
1/10	COMMITTEE REPORT—BILL PASSED		
1/14	2ND READING PASSED	95	3
1/16	3RD READING PASSED	92	4
TRANSMITTED TO SENATE			
1/17	REFERRED TO FISH & GAME		
1/17	FIRST READING		
1/24	HEARING		
2/01	COMMITTEE REPORT—BILL CONCURRED		
2/02	2ND READING CONCURRED	46	0
2/04	3RD READING CONCURRED	49	0
RETURNED TO HOUSE			
2/08	SIGNED BY SPEAKER		
2/08	SIGNED BY PRESIDENT		
2/09	TRANSMITTED TO GOVERNOR		
2/14	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 22		
		EFFECTIVE DATE: 10/01/91	

HB 18 INTRODUCED BY DRISCOLL

REVISE QUALIFICATION FOR JOURNEYMAN PLUMBER LICENSE

12/27	INTRODUCED		
12/27	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/07	FIRST READING		
1/08	HEARING		
1/09	COMMITTEE REPORT—BILL PASSED		
1/10	2ND READING PASSED	93	6
1/12	3RD READING PASSED	85	5
TRANSMITTED TO SENATE			
1/14	REFERRED TO LABOR & EMPLOYMENT RELATIONS		
1/14	FIRST READING		
1/22	HEARING		
1/22	COMMITTEE REPORT—BILL CONCURRED		
1/24	2ND READING CONCURRED AS AMENDED	50	0
1/25	3RD READING CONCURRED	47	2
RETURNED TO HOUSE WITH AMENDMENTS			
1/30	2ND READING AMENDMENTS CONCURRED	99	0
1/31	3RD READING AMENDMENTS CONCURRED	92	5
2/02	SIGNED BY SPEAKER		
2/02	SIGNED BY PRESIDENT		
2/02	TRANSMITTED TO GOVERNOR		
2/06	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 10		
		EFFECTIVE DATE: 10/01/91	

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Chair Carolyn Squires, on January 8, 1991, at
3:00 p.m.

ROLL CALL

Members Present:

Carolyn Squires, Chair (D)
Tom Kilpatrick, Vice-Chair (D)
Gary Beck (D)
Steve Benedict (R)
Vicki Cocchiarella (D)
Ed Dolezal (D)
Jerry Driscoll (D)
H.S. "Sonny" Hanson (R)
David Hoffman (R)
Royal Johnson (R)
Thomas Lee (R)
Mark O'Keefe (D)
Bob Pavlovich (D)
Jim Southworth (D)
Fred Thomas (R)
Dave Wanzenried (D)
Tim Whalen (D)

Members Absent: Russell Fagg

Staff Present: Eddy McClure, Legislative Council
Jennifer Thompson, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Chair Squires discussed rules of
procedure and they were accepted. A collection for coffee
was taken.

HEARING ON HOUSE BILL 18

Presentation and Opening Statement by Sponsor:

REP. JERRY DRISCOLL, House District 92, stated HB 18 is a
revision of the plumbers licensing law to change the four years
work experience to five years and verify this by records of
actual plumbing experience.

Proponents Testimony:

Bill Lindsey, Board of Plumbers, said this bill was unanimously endorsed at the Board of Plumbers meeting. The bill is simple but there is some confusion. The apprenticeship schools and some courses are putting in for five years while specifying a four-year deal. Several years ago the plumbers union tried to prevent some of this confusion by reducing it to four years. If this bill passes, they are prepared to change it back to the five years. About 60 percent of the plumbing work is done by the journeymen overseen by the master plumbers. So it's evident the extra year of schooling or shop training will benefit the public.

John Forken, President of Montana Association of Plumbing and Pipefitters, said there was a difference in the four years experience to obtain a journeyman's license verses the five years the international unions and state department bureau of apprenticeship training has adopted. They didn't feel it was right that there would be fourth-year apprentices being able to obtain journeyman license permits and caused a bunch of confusion. The International State Department of Apprenticeship has seen fit to increase the apprenticeship from four years to five because of public safety and more awareness of the dangers in the plumbing industry.

Don Judge, Montana State AFL-CIO, stated his support. EXHIBIT 1

Gene Fenderson, Montana State Building and Construction Trades Union, stated his support.

Opponents Testimony:

Jack Joyner, owner/operator of a Roto-Rooter franchise in Gallatin Valley, stated that even though he worked for a master plumber, he is unable to obtain a master plumber's license due to lost records with his previous employer. However, being an owner/operator of a Roto-Rooter franchise, he runs into plumbing situations. Legally he cannot solve the problems. In his opinion, that length of training isn't necessary. If a person could pass a comprehensive test, that person should be recognized as a licensed plumber.

Questions From Committee Members:

REP. MARK O'KEEFE questioned Mr. Joyner on how it would affect his situation if this bill does not pass. Mr. Joyner responded by agreeing with Rep. O'Keefe.

REP. FRED THOMAS asked Mr. Lindsey if under the existing law where credit is given toward attending accredited trade schools, what credit do you now approve? Are there schools that your

board approves? Mr. Lindsey said that was correct and there is also an equivalency test. The ultimate goal is to pass the test that the plumbing board conducts.

REP. THOMAS asked Mr. Lindsey if perspective plumbers have to pass the test regardless of the four years. Mr. Lindsey said yes. Up until now according to the state code if they had four years experience they could take the test, but there was confusion between the plumbing codes and the schools. The plumbing board feels that the additional one year makes more efficient journeymen.

REP. THOMAS asked Mr. Forken how long the trade schools last. Mr. Forken said the schools are in conjunction with the apprenticeship; 2000 hours of work in conjunction with about 160 hours of schooling. They are not isolated; they are running in conjunction. REP. THOMAS questioned him about the 160 hours. Mr. Forken replied he wasn't sure of the exact hours. REP. THOMAS said the Department of Labor and Industry sets those standards.

REP. JOHNSON inquired as to whether the committee was amending the "shall" to "must". Eddy McClure said that it was just technical. "Shall" is not grammatically correct.

REP. JOHNSON questioned Mr. Lindsey if a person was to be a licensed plumber they had to meet all three requirements. Mr. Lindsey said that was correct. REP. JOHNSON asked how many plumbers licenses had been issued in Montana in 1990 and 1989? Mr. Lindsey said he didn't know but could get that information. There are approximately 1000 licensed journeymen and master plumbers in the state. REP. JOHNSON questioned Mr. Lindsey how fast or slow that's increasing. Mr. Lindsey said now there are four tests a year, and on the average there are twelve to fifteen that will take a test.

REP. HOFFMAN questioned Mr. Lindsey about his opening statement referring to the board of plumbers willingness to reduce the five-year requirement to four years. Mr. Lindsey said no. The unions at one time had a five-year program just like the apprentice schools. In order to get rid of the confusion, they cut it back to four. Since then they have gone back to the five years.

REP. HOFFMAN directed his question to Mr. Forken. Mr. Lindsey stated that at one time the union would be willing to drop the five-year requirement to four years. Assuming that this bill did not pass and the four-year requirement stood, would the union still be willing to drop that requirement to four years? Mr. Forken said that this is done by the international training schools. They meet every five years and upgrade their standards. Five years ago they increased it from four to five years because of the technical nature, splitting up of the piping industry's branches, public safety, etc. The apprenticeship wouldn't be affected regardless of the outcome of this bill. It is set at

five years in most states. This is not a problem with the apprenticeship programs; it is just a problem with the plumbing board because of various conflicts of time to obtain journeyman's status. Just because one becomes a journeyman doesn't mean he's automatically licensed.

REP. HOFFMAN stated that living in a rural area you often times don't have access to a licensed plumber. He then questioned Mr. Lindsey whether this increase in restrictions would cause it to be even more difficult to get a licensed plumber? Mr. Lindsey said he didn't think so. REP. HOFFMAN asked whether this would encourage plumbing to be done by someone who doesn't have a license? Mr. Lindsey stated that there are plumbing inspectors, but sometimes it is difficult to inspect because, for example, ranchers may do their own plumbing. The increase in one year will better serve the public.

Closing by Sponsor:

REP. DRISCOLL referred back to a question that Rep. Johnson asked about three requirements. Look at line 18, page 1, it says "or" not "and". You don't have to meet all three. You have to have five years of experience or complete an apprenticeship program. On line 21 it says "or credit towards" the experience will be given if the person graduates or attends an accredited school. He then referred back to Mr. Joyner not being able to get a license, and said that Social Security keeps records of where a person has worked since the day he started assuming that social security taxes were held from the wages.

CHAIR SQUIRES declared hearing on HB 18 closed.

EXECUTIVE ACTION ON HB 18

Motion: REP. DRISCOLL moved HB 18 DO PASS.

Amendments, Discussion, and Votes:

REP. THOMAS questioned Rep. Driscoll. Is there a test that is in effect under the four-year provision, and will there be a test if it's changed to a five year requirement? REP DRISCOLL said everybody has to take a test, see page 2(b) of HB 18.

REP. THOMAS asked if the people already in the process of getting their license would have to go for the five years. REP. DRISCOLL referred this question to Eddy McClure.

MS. MCCLURE said that you could make a statement pertaining to people applying for an apprenticeship license on or after the effective date. The effective date is October 1 because there is no effective date on it. She said she would have to ask the board if there was anyone out there applying for this that would

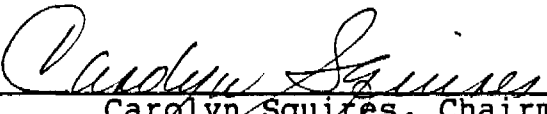
be affected by the change.

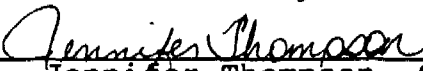
REP. THOMAS stated he was confused by the testimony as to whether the current requirement was actually four or five years. He didn't know whether there was anyone under four years or if everyone is under five years. He then addressed this statement to Rep. Driscoll. REP. DRISCOLL said that all apprenticeship programs are five years now. The change would be five years experience instead of four years experience. If this bill is passed a person would have to have their four years in before October 1st. After that you would have to have five years. The one-year time only applies to those getting a license or the ability to take the test.

Recommendation and Vote: The motion CARRIED with a vote of 15 to 2 with REPRESENTATIVES DAVID HOFFMAN AND FRED THOMAS voting nay.

ADJOURNMENT

Adjournment At: 3:50 p.m.


Carolyn Squires, Chairman


Jennifer Thompson, Secretary

CS/jt

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HOUSE OF REPRESENTATIVES

LABOR AND EMPLOYMENT RELATIONS COMMITTEE

ROLL CALL

DATE 1/8/91

NAME	PRESENT	ABSENT	EXCUSED
REP. JERRY DRISCOLL	✓		
REP. MARK O'KEEFE	✓		
REP. GARY BECK	✓		
REP. STEVE BENEDICT	✓		
REP. VICKI COCCHIARELLA	✓		
REP. ED DOLEZAL	✓		
REP. RUSSELL FAGG		✓	
REP. H.S. "SONNY" HANSON	✓		
REP. DAVID HOFFMAN	✓		
REP. ROYAL JOHNSON	✓		
REP. THOMAS LEE	✓		
REP. BOB PAVLOVICH	✓		
REP. JIM SOUTHWORTH	✓		
REP. FRED THOMAS	✓		
REP. DAVE WANZENRIED	✓		
REP. TIM WHALEN	✓		
REP. TOM KILPATRICK , VICE-CHAIRMAN	✓		
REP. CAROLYN SQUIRES, CHAIR	✓		



EXHIBIT 1
DATE 1/8/91
HB 18

JAMES W. MURRY
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 18, PLUMBERS' LICENSES
House Labor Committee, 3 p.m. Tuesday, January 8, 1990

Madam Chair and members of the committee, I'm Don Judge of the Montana State AFL-CIO, and I'm here in support of House Bill 18.

Raising the experience requirements for a journeyman plumber by one year is a reflection of the increasing complexity of the job. As with many occupations, the work of a plumber has become more complex and more technical as construction techniques and equipment have been improved. Raising the experience requirement to five years will put state law in conformity with new national apprenticeship standards.

The bill's proposal to allow proof of experience through time or pay records is a good one. It protects employers, customers and fellow plumbers against false claims of experience by fly-by-night operators who are not really interested in a quality job.

This is a worker protection bill in the sense that it will guarantee equal standards for all who want a journeyman plumber's license. But it's also a consumer protection bill to guarantee that licensed journeyman plumbers have all the skill and experience needed to do the job right the first time, and to merit the respect and confidence of the consumers they serve.

We urge you to support House Bill 18.

Thank you.

Labor & Employment Relations COMMITTEE

DATE _____

SPONSOR Gerry Whiscoll

[illegible]

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STANDING COMMITTEE REPORT

January 9, 1991

Page 1 of 1

Mr. Speaker: We, the committee on Labor report that House
Bill 18 (first reading copy -- white) do pass .

Signed: Carolyn Squires
Carolyn Squires, Chairman

MINUTES

MONTANA SENATE 52nd LEGISLATURE - REGULAR SESSION

COMMITTEE ON LABOR & EMPLOYMENT RELATIONS

Call to Order: By Senator Richard Manning, on January 22, 1991,
at 1:00 p.m.

ROLL CALL

Members Present:

Richard Manning, Chairman (D)
Thomas Towe, Vice Chairman (D)
Gary Aklestad (R)
Chet Blaylock (D)
Gerry Devlin (R)
Thomas Keating (R)
J.D. Lynch (D)
Bob Pipinich (D)

Members Excused: Dennis Nathe (R), temporarily.

Staff Present: Tom Gomez (Legislative Council).

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Announcements/Discussion: Chairman Manning reminded those
testifying to sign the attendance sheet in order for their
testimony to be included.

HEARING ON HOUSE BILL 18

Presentation and Opening Statement by Sponsor:

Representative Jerry Driscoll, House District 92 in Billings presented House Bill 18 to the Committee. He told the Committee that House Bill 18 would amend plumbing license for journeyman plumbers. It would change the existing required four years' experience to five years. Verification could be by time or payroll records.

Proponents' Testimony:

John Forkan, President of the Montana State Association of Plumbers and Pipefitters spoke in support of House Bill 18. Mr. Forkan told the Committee the purpose of the bill was to coincide the years of qualification for a journeyman with apprenticeship standards from the Apprenticeship Bureau.

Gene Fenderson of the Montana Building and Construction

Trades Council spoke in support of House Bill 18.

Don Judge, Executive Secretary of the Montana State AFL-CIO spoke in support of House Bill 18. Mr. Judge presented prepared testimony. (Exhibit #1)

Opponents' Testimony:

NONE.

Questions From Committee Members:

Senator Blaylock asked Representative Driscoll why the requirement was moved the five years. Representative Driscoll explained there is more to learn as an apprentice.

Senator Blaylock asked if this Bill would help those who had Master Plumbers refuse to sign-off for them. Representative Driscoll said it would.

Senator Devlin asked what the neighboring states' requirements are. Representative Driscoll referred the question to John Forkan. Mr. Forkan explained that most are at five years.

Closing by Sponsor:

Representative Driscoll asked the Committee to vote in favor of House Bill 18 and asked that Senator Lynch carry the Bill.

HEARING ON SENATE BILL 73

Presentation and Opening Statement by Sponsor:

Senator Towe explained that Senate Bill 73 is intended to address a problem generally addressed in a collective bargaining agreement. But in some cases is not. He told the Committee that individuals should be entitled to a lunch break and a rest break, that such breaks would increase the production levels, and reduce safety problems. Senator Towe proposed an amendment to Senate Bill 73, and presented copies to the Committee.

Proponents' Testimony:

Darrell Holzer, President of the Greater Yellowstone Central Labor Council spoke in favor of Senate Bill 73. Mr. Holzer spoke from prepared testimony. (Exhibit #2)

Curt Brennan, Montana District Council of Laborers, Local 98 spoke in favor of Senate Bill 73 from prepared testimony. (Exhibit #3)

union contractor. Mr. Keating asked if that contractor is union and if rest and lunch periods are part of that collective bargaining agreement. Mr. Holzer said he is union but does not have breaks in their agreement.

Senator Keating asked if someone representing Conoco was present. There was not.

EXECUTIVE ACTION ON SENATE BILL 30

Motion:

Senator Towe moved adoption of amendments.

Discussion:

NONE.

Amendments, Discussion, and Votes:

Voice vote was seven, YEA; one, NO.

Recommendation and Vote:

Motion CARRIED.

Motion:

Senator Towe moved DO PASS as amended.

Discussion:

NONE.

Amendments, Discussion, and Votes:

Roll Call Vote was five, YEA; four, NO.
(Senator Nathe cast vote after adjournment.)

Recommendation and Vote:

DO PASS as amended.

EXECUTIVE ACTION ON HOUSE BILL 18

Motion:

Senator Towe moved BE CONCURRED.

Discussion:

SENATE LABOR & EMPLOYMENT RELATIONS COMMITTEE

January 22, 1991

Page 6 of 6

NONE.

Amendments, Discussion, and Votes:

Voice vote was seven, YEA; one, NO.

Recommendation and Vote:

BE CONCURRED.

ADJOURNMENT

Adjournment At: 2:10 p.m.


RICHARD E. MANNING, Chairman

LINDA CASEY, Secretary

REM/llc



DONALD R. JUDGE
EXECUTIVE SECRETARY

110 WEST 13TH STREET
P.O. BOX 1176
HELENA, MONTANA 59624

(406) 442-1708

TESTIMONY OF DON JUDGE ON HOUSE BILL 18, SENATE LABOR COMMITTEE,
JANUARY 22, 1991

Mr. Chairman and members of the committee, I'm Don Judge of the Montana State AFL-CIO, and I'm here in support of House Bill 18.

Raising the experience requirements for a journeyman plumber by one year is a reflection of the increasing complexity of the job. As with many occupations, the work of a plumber has become more complex and more technical as construction techniques and equipment have been improved. Raising the experience requirement to five years will put state law in conformity with new national apprenticeship standards.

The bill's proposal to allow proof of experience through time or pay records is a good one. It protects employers, customers and fellow plumbers against false claims of experience by fly-by-night operators who are not really interested in a quality job.

This is a worker protection bill in the sense that it will guarantee equal standards for all who want a journeyman plumber's license. But it's also a consumer protection bill to guarantee that licensed journeyman plumbers have all the skill and experience needed to do the job right the first time, and to merit the respect and confidence of the consumers they serve.

We urge you to support House Bill 18. Thank you.

SENATE LABOR & EMPLOYMENT

EXHIBIT NO. 1

DATE 1/22/91

BILL NO. HB 18

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
January 22, 1991

MR. PRESIDENT:

We, your committee on Labor and Employment Relations having had under consideration House Bill No. 18 (third reading copy - blue), respectfully report that House Bill No. 18 be concurred in.

Signed, _____
Richard E. Manning, Chairman

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And. Coord.

SR 1/22 1991
Sec. of Senate